

## **HOPE ACT Implementation Plan**

The Kansas Department for Children and Families is currently working on the implementation of the new requirements outlined with the Kansas HOPE Act and the revised Hope Act recently signed into law on April 16, 2015.

### **TANF Cash Assistance**

**The following new requirements for the TANF (Cash) program are:**

#### **24-month TANF Time Limit**

Effective July 1, 2016, a family group shall not be eligible for TANF cash assistance if the family group contains at least one adult member who has received TANF, including the federal TANF assistance received in any other state, for 24 calendar months beginning on and after October 1, 1996. In some cases, the DCF Secretary may grant a hardship extension allowing receipt of TANF cash assistance until the 36-month limit is reached. Applications received after July 1, 2016, will be notified of the 24-month limit. New applications with more than 24 months of TANF cash assistance prior to the application date will be denied.

Open TANF cases with 24 or more months of TANF used in July 2016 will be allowed a six-month transitional period. The transition period will allow DCF to notify and assist impacted recipients with preparations to ease their transition off TANF cash assistance.

The only exception to this six-month transitional period is for non-hardship cases that reach 36 months after July 2016. Those cases will close after the 36<sup>th</sup> month, unless there is a hardship.

All cases that have received more than 36 months of TANF cash assistance will be closed by Jan. 31, 2017.

#### **Prohibited Purchases**

**Effective July 1, 2015 DCF current policy will be updated to include the following language from the HOPE Act:**

No TANF cash assistance shall be used for the purchase of alcohol, cigarettes, tobacco products, lottery tickets, concert tickets, professional or collegiate sporting event tickets or tickets for other entertainment events intended for the general public or sexually oriented adult materials.

No TANF cash assistance shall be used in any retail liquor store, casino, gaming establishment, jewelry store, tattoo parlor, massage parlor, body piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune telling business, bail bond company, video arcade, movie theater, swimming pool, cruise ship, theme park, dog or horse racing facility, pari-mutuel facility, or sexually oriented business or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any business or retail establishment where minors under age 18 are not permitted.

No TANF cash assistance shall be used for purchases at points of sale outside the state of Kansas.

**Agency steps to monitor prohibited purchases:**

Because Kansas uses an Electronic Benefit Card (EBT) to issue cash assistance, DCF is able to restrict the use of the Kansas Benefits Card at Point-of-Sale (POS) devices based on the type of business associated with each device. DCF is also able to monitor and restrict EBT usage at ATMS associated with these restricted locations. To effectively block ATMs, the EBT unit reviews ATM transactions for potential ATM usage at the restricted venues on a quarterly basis. Staff visually verify and validate the ATM terminal is associated with a business that requires restriction before blocking the Kansas Benefits Card usage at the ATM terminal.

EBT transactions are monitored for compliance. DCF is currently working with our EBT contractor to implement these new policies.

**Cash Withdrawal Limits**

TANF cash assistance transactions for cash withdrawals from ATMs will be limited to one transaction per day. ATM fees and charges apply.

The ATM cash withdrawal limits do not limit cash back with purchase or cash back-only transactions at participating retailers. Retailers that participate in EBT decide what level of “cash back” they will allow a client per visit using the POS device. Each store may have a different policy, so the client should always ask how much cash they can get back, and if they can do a cash back-only transaction. Clients may also purchase a money order as a cash purchase at participating retailers or as a separate purchase after receiving cash back. A client will have two free POS cash-only withdrawals each month. After the two free POS cash-only withdrawals, their cash account will be charged 40 cents for each subsequent withdrawal in a calendar month.

Kansas Benefits Card transactions are monitored for compliance.

DCF is currently working on programming to implement the TANF cash withdrawal limits. It is not known when the changes will become effective. More information will be posted as it becomes available.

## **Food Assistance**

**The following new requirements for the Food Assistance program include:**

### **Drug felon restriction to food assistance, treatment, and drug testing**

Food assistance clients who are convicted of a felony offense occurring on or after July 1, 2015, which includes as an element of such offense, the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog will be ineligible to receive food assistance benefits until the individual participates in an approved drug treatment program and submits and passes an approved drug testing plan.

***The details of the drug treatment and drug testing plan are in development.***

Drug felons who are convicted a second time after July 2015 will be disqualified permanently from receiving food assistance benefits.

The remainder of the food assistance household may receive food assistance benefits if they are otherwise eligible.

### **Child support referral and cooperation**

Effective July 1, 2015 cooperation with Child Support Services (CSS) is mandatory for DCF programs including food assistance. Referrals will be made to CSS for all new food assistance households with an absent parent. Ongoing food assistance households with an absent parent, who is not currently paying child support, will be asked to provide information on the absent parent at their next review.

Households must cooperate with CSS in the establishment and collection of child support from an absent parent.

Non-cooperation with the establishment and collection of child support will result in the non-cooperating household member being ineligible for food assistance until he/she has cooperated. The remainder of the food assistance household may receive food assistance benefits if they are otherwise eligible.

## **All Programs**

**The following new requirements for all DCF programs are:**

### **Family resources policy**

When determining eligibility, one licensed vehicle per adult in the household, regardless of the use of the vehicle is exempt. Exemptions apply to household members as well as to ineligible alien or disqualified household members whose resources are being considered available to the household. Other exemptions include use for transporting a physically disabled household member, use for household members under 18 for employment or education for employment, the vehicle is used primarily for producing income.

Any additional vehicles such as a boat, jet-ski, RV, quad, etc. owned by the applicant, will be considered non-exempt resources.

Households may have up to \$2,250 worth of resources. Households may have up to \$3,250 if at least one member is age 60 or older or is disabled. Some additional countable resources that apply toward the \$2,250 (or \$3,250) limit include:

- ☐ cash, checking and savings accounts
- ☐ U.S. savings bonds
- ☐ savings certificates
- ☐ buildings or land (except family home)
- ☐ jointly-owned resources

DCF will crosscheck lottery winners who are also public assistance recipients. Winners of \$5,000 or more will be required to verify resource eligibility.

The agency policy manual, application and review forms will be updated to incorporate the new requirement to include the new resource policy.

### **Add protective payee to fraud convictions**

Households who have been determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2014 Supp. 21-5801, and amendments thereto, shall be asked to name a protective payee as approved by the secretary or the secretary's designee to administer TANF and food assistance benefits on behalf of the children. No adult in the assistance household may have access to the TANF cash assistance benefit.

### **Kansas Benefits Card photo ID**

The Kansas Hope Act provides for an opt-in provision of the photo on Kansas Benefits cards.

A photograph of a recipient on a Kansas Benefits card issued by DCF, which is used to obtain food, cash or other services, would be placed on the benefits card only if agreed

to by the recipient. If the recipient was a minor or otherwise incapacitated individual, a parent or guardian's photograph could be used instead. A benefits card with the recipient's photograph would be a valid form of identification for voting purposes.

***DCF is developing an implementation plan on the photo ID policy. More information will be provided when available.***

#### **Electronic check for identity**

A new requirement established for an electronic check for false information provided on an application. DCF currently uses a multitude of data to conduct electronic checks to verify information provided on applications for TANF or other benefit programs administered by the department. Identity is checked currently using different interfaces. Additional identity verification software may also be purchased.

#### **Identity Verification**

All adults in a TANF, food assistance or child care assistance households will be required to verify their identity.

**Additional existing policies addressed in the Kansas HOPE Act currently implemented at DCF include:**

**Work Program Requirements:**

- ☐ Expanded language on work participation requirements
- ☐ Work assessment and cooperation with work program requirements
- ☐ Child under 3 months' work exemption
- ☐ 90 day work experience activity
- ☐ Persons with disabilities participate in work programs to an extent consistent with their disabilities

**TANF (Cash Assistance) Program:**

- ☐ The TANF Diversion Payment option
- ☐ Income of cohabiting partners is now countable.
- ☐ Progressive periods of ineligibility for not complying with child support
- ☐ Fraud penalties established. Protective payee policy established for children to continue to receive TANF benefits when Fraud has been determined.
- ☐ Fraud – failure to cooperate with a fraud investigation renders the entire household ineligible for benefits.

**Child Care:**

- ☐ 20-hour minimum work requirement for child care
- ☐ (15 hours) for approved post-secondary education plans
- ☐ Income of cohabiting partners is now countable.
- ☐ Progressive periods of ineligibility for not complying with child support
- ☐ Fraud penalties established.

**Food Assistance:**

- ☐ Broad-based categorical eligibility prohibited
- ☐ SNAP recruitment prohibited
- ☐ ABAWD waivers prohibited from being implemented
- ☐ Count the income of non-citizens when determining SNAP benefits

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